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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/994,772

11/28/2001

Sanford Samuel Brown

2685/5925

1209

23838

7590

03/15/2004

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WASHINGTON, DC 20005

EXAMINER

VU, THONG H

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 03/15/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,772

Applicant(s)

BROWN ET AL.

Examiner

Thong H Vu

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2142

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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1. Claims 39-52 are pending.
2. This application is a Continuation of application 08/702,306 filed 8/23/96 now is patent 6,385,646 B1.

EXAMINER'S AMENDMENT

3. According to the telephone communication to Sumeet Magoon, applicant attorney, on Sept 11, 03 agreed to make a change: claims 40-49 depended on claim 1 is now claims 40-43 and 47 depend on claim 39; claims 44 and 47 depend on claim 43, claims 45-46 depend on claim 44; claim 49 depends on claim 48; and claims 51-52 depended on claim 12 is now depend on claim 50.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 39-52 are rejected under the judicially created doctrine of double patenting over claims 1-55 of U. S. Patent No. 6,385,646 B1 ('646) since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

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5. Claims 39-52 are rejected under 35 U.S.C. § 103 as being unpatentable over Bateman et al [Bateman 5,884,032] in view of Popp et al [Popp 6,249,291 B1]

6. As per claim 39, Bateman discloses a method of correlating information between a call center associated with a subscriber and a packet network linked in an interactive communication session with a user [call center 24, session between customer browser and WWW server, Bateman col 5 lines 22-53, col 6 lines 1-14], comprising:

receiving over the packet network at a network service platform information corresponding to at least one characteristic of the interactive communication session [caller ID and URL, Bateman col 6 lines 31-60];

communicating by the network service platform information corresponding to at least one characteristic of the interactive communication session to the call center over a telecommunications network [it is a design choice to send IP address and URL as interactive session characteristic over data network or PSTN, ISDN, ACD, PBX; Bateman, col 5 lines 35-53, col 6 line 66-col 7 line 13];

based on the at least one characteristic (i.e.: IP address, URL), establishing a telecommunications session between the user and the call center over the telecommunication network [ACD, PBX, PSTN; Bateman, col 5 lines 35-53];

An Official Notice is taken that the session between client and web server is well-known as interactive communication session [see Smith reference]

However Bateman did not detail receiving a page push signal at the network service platform, the page push signal corresponding to at least one of a plurality of web

pages; and pushing the at least one of the plurality of web pages corresponding to the page push signal to the user during the interactive communication session.

It is well-known in the Internet art that a Web based access provide push and pull mode, wherein the push mode, data (i.e.: signal) retrieved from an external source is used to generate a Web page such as push a IP address or URL of a Web page [Popp col 4 lines 53-63] using an interaction module [Popp col 8 lines 32-48]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the push signal or push data which corresponding to a Web page as taught by Popp into the Bateman's apparatus in order to utilize the Web based system. Doing so would provide a dynamically data transaction via an interaction environment.

7. As per claims 40,51 Bateman-Popp disclose establishing a first call to the call center; establishing a second call to the user; and bridging the first call with the second call so that the telecommunications session between the user and the call center over the voice network can be established [bridging the call, Bateman col 12 lines 4-12].

8. As per claims 41,46 Bateman-Popp disclose the at least one characteristic of the interactive communication session includes at least one of an identity of the subscriber and a subject matter associated with the interactive communication session [caller ID and URL, Bateman col 6 lines 31-60].

9. As per claim 42, Bateman-Popp disclose receiving information over the packet network includes receiving information transmitted over the packet network using a uniform resource locator (URL) [caller ID and URL, Bateman col 6 lines 31-60].

10. As per claim 43, Bateman-Popp disclose transforming the information into a form suitable for placing a call over the telecommunications network to the call center, the call being routable by the call center in accordance with the information corresponding to at least one characteristic of the interactive communication session [Bateman col 7 lines 28-42].

11. As per claim 44, Bateman-Popp disclose using a database containing at least one entry for information corresponding to at least one characteristic of the interactive communication session and at least one entry corresponding to a communications number for the call center [database, Bateman col 9 lines 19-32].

12. As per claim 45, Bateman-Popp disclose the at least one entry corresponding to a communications number for the call center includes a dialed number identification service (DNIS) code [dial-up service, Bateman col 5 lines 23-34, col 8 lines 42-62].

13. As per claim 47, Bateman-Popp disclose transforming the received information into a dialed number identification service (DNIS) code [dial-up service, Bateman col 5 lines 23-34, col 8 lines 42-62].

14. As per claim 48, Bateman-Popp disclose sending audio signals representing the information to the call center [voice mail, Bateman col 7 lines 28-42]

15. As per claim 49, Bateman-Popp disclose transforming the information into audible sounds [Bateman col 3 lines 14-27]; and playing the audible sounds over a telecommunications connection established with the call center [simultaneous voice data, Bateman col 3 lines 66].

16. As per claim 50 contains the similar limitations set forth of method claim 39. Therefore, claim 50 is rejected for the similar rationale set forth in claim 39.

17. As per claim 52, Bateman-Popp disclose receiving a page push signal at the network service platform, the page push signal corresponding to at least one of the plurality of web pages; and pushing the at least one of the plurality of web pages corresponding to the page push signal to the user during the interactive communication session page [Popp col 4 lines 53-63, col 8 lines 32-48]

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
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